



United States Attorney
Southern District of New York

27th Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

September 9, 2008

BY FACSIMILE

Honorable Loretta A. Preska
United States District Court
500 Pearl Street
New York, NY 10007

Re: United States v. Banky Adebajo, 07 Cr. 816 (LAP)

Dear Judge Preska:

The Government respectfully submits this letter to request that the Court set a trial date in this matter. The parties were scheduled to appear before the Court for a conference on September 4, 2008, at 2:00 p.m., at which time the Government intended to request a trial date, as the motions calendar has passed with no motions filed and efforts to reach a disposition in the case have not been fruitful. Defense counsel did not appear at that conference. Your Honor's deputy clerk provided a proposed date of December 8, 2008, to begin the trial, which is expected to last approximately two weeks, and asked the Government to confirm that date with defense counsel and submit a letter to the Court thereafter. Since September 4, I have emailed defense counsel with this information, at the email address where I have previously communicated with him, and I have also twice attempted to reach defense counsel by telephone, succeeding in leaving a voicemail message at that number on one occasion. As of this afternoon, I have not received a response.

Trial will commence on December 8, 2008 at 10:00 am. Counsel shall submit requested voir dire questions and requests to change by December 1,

Accordingly, the Government respectfully requests that the Court enter an order setting a trial in this matter to begin on December 8, 2008, and any pre-trial dates that the Court deems appropriate. The Government also respectfully requests that the time between today's date and December 8 be excluded from Speedy Trial Act calculations, in order to allow both

sides adequate opportunity to prepare for trial.

Respectfully submitted,

MICHAEL J. GARCIA
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Southern District of New York

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Assistant United States Attorney
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SO ORDERED

LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE

cc: Peter Toumbekis, Esq.
September 9, 2008